

USDC/MA  
*Gertner N.*

# United States Court of Appeals For the First Circuit

No. 05-1843

In Re: MICHAEL J. DELANEY

Debtor

J. BRIAN MOORE; LAURA M. MOORE

Plaintiffs - Appellants

v.

DAVID MADOFF, Trustee in Bankruptcy for Michael J. Delaney;  
 GERRITY COMPANY INCORPORATED; CAPE COD LUMBER CO., INC.;  
 SAMPSON LUMBER CO., INC.; C.N.J., INC., d/b/a Whitman Carpet  
 & Tile; NORTH RIVER PLUMBING; HEATING & WATER FILTRATION;  
 P.A. LANDERS, INC.; COMMONWEALTH OF MASSACHUSETTS,  
 DEPARTMENT OF REVENUE; KEVIN KILEY; SUSAN KILEY; SCOTT  
 KEARNS; SANDRA KEARNS; TOWN OF PEMBROKE; DELANCON  
 CORPORATION; MATTHEW DELANEY; PAMELA E. INGHAM, f/k/a Pamela  
 E. Delaney; MICHAEL J. DELANEY, Trustee of the Quail Run Realty  
 Trust; MICHAEL DELANEY

**Certified and Issued as Mandate  
under Fed. R. App. P. 41.**

Defendants - Appellees

---

## JUDGMENT

Entered: September 29, 2006  
 Pursuant to 1st Cir. R. 27(d)

Upon consideration of the parties' joint motion, it is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42(b) with each party to bear its own costs.

Mandate to issue forthwith.

By the Court:  
 Richard Cushing Donovan, Clerk

**JULIE GREGG**  
 By \_\_\_\_\_  
 Operations Manager

[cc: James F. Creed, Esq., David Madoff, Esq., Gary W. Cruickshank, Esq.,  
 Stephen A. Greenbaum, Esq., Michael S. Kalis, Esq., Elliot M. Sherman, Esq.,  
 Stephen G. Murphy, Esq., Wilson D. Rogers, Esq., Brian Walter Riley, Esq.,  
 Arvid J. Peterson, Esq., Frederick J. Watson, Esq.]